

Appl. No. 10/605,674
Amdt. dated January 14, 2005
Reply to Office Action of October 19, 2004

REMARKS

Reconsideration of the present application is respectfully requested. Claims 1, 4, and 10 have previously been cancelled without prejudice or disclaimer. Thus, claims 2, 3, 5-9 and 11-28 are presently pending. Claims 5, 7, 12, 16, 24, and 25 are independent.

In the Office Action of October 19, 2004, claims 1-28 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-18 of U.S. Patent No. 6,684,529. This rejection has been maintained from the first Office Action (dated April 19, 2004) because the Terminal Disclaimer filed in Applicant's response to the first Action is assertedly not acceptable.

A new Terminal Disclaimer accompanies this Response, with the owners being identified in the Disclaimer, as opposed to the Applicants. It is particularly noted that a statement under 37 C.F.R. § 3.73(b) is not required when the Disclaimer is executed by an attorney of record (see M.P.E.P. § 1490).

In view of the foregoing, the present application should now be in condition for allowance and such allowance is respectfully requested. Should the Examiner have any questions, please contact the undersigned at (800) 445-3460.

The Commissioner is hereby authorized to charge any fees associated with this communication to the undersigned's Deposit Account No. 19-0522.

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Respectfully submitted,

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